

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 10, 2022

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Express Times NJ Zone of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters.

Salute to the flag was done by all.

PUBLIC PORTION – CONSENT AGENDA ITEMS

Mayor Watters opened the Public Portion of the meeting for comments on the Consent Agenda Items.

Seeing none, the Public Portion for Consent Agenda Items was closed.

CLERK'S REPORT

Mrs. Orlando reported:

Delinquent Dog License Renewals – Letters will be sent to dog owners to renew licenses by September 1st or sign the affidavit that the dog has died or they have moved. If not received, a summons will be issued.

LUB Vacancy – Brent Connelly submitted a Citizen Involvement Form for the LUB. Mayor Watters made the appointment for Mr. Connelly to start Monday, August 15, 2022.

CFO REPORT

Mrs. Mollineaux reported:

Audit – A draft audit report was received. Mrs. Mollineaux will go over the comments. She will meet with the oversight budget committee and then with the auditors to go over the comments. Once the comments are satisfied, the audit will come to the Committee for review.

RFPs – Resolution on tonight to approve bidding for Requests for Professional Services. Once approved by the Committee, requests will go out.

Municipal Courts – Resolution on tonight for shared services agreement with the courts for Committee approval.

EMPLOYEES' REPORTS

Mrs. Fascenelli reported:

Employee Picnic – Mrs. Fascenelli thanked the Committee for approving the employee barbeque and for our Acting Clerk to set everything up. It was a nice event that we will hopefully have annually. Thank you for supporting the employees in that endeavor.

Revised Newsletter – Committee has a draft of the revised newsletter. If the Committee approves, it will go out with the tax bills. Approved.

Drought – A drought watch public notice was received and is posted in the Municipal Building and will be posted on the website.

SWAC Subcommittee – Mayor Watters asked if the application for the food recycling will be in on time for the September SWAC Meeting. Mrs. Fascenelli stated they might wait until the September 1st meeting. The subcommittee might meet but were waiting for additional paperwork. The application submitted is more specific about the acreage used for the food recycling, keeping the farmland, and how much money the Township would get with the tonnage.

ENGINEER’S REPORT

In Mr. Quamme absence, Mrs. Orlando stated the Engineer’s Report suggested to wait for the referendum and hold off the septic bids to see if it will be a library or community center.

LIAISONS’ REPORTS

Environmental Commission – Mr. McGuinness stated there is a meeting tomorrow night.

Recreation Committee – Mrs. Mora Dillon stated there was no meeting.

Land Use Board – Mr. Hayes stated there is a meeting the August 15th.

Open Space, Farmland, Conservation, Historical Committee – Mr. Hayes stated no report.

ORDINANCES

Second Reading

Mr. Hayes made a motion to approve Ordinance Appropriating \$1,141,000.00 available from the General Capital Reserve Fund to Provide for Various Improvements for Various Departments Described Herein and by the Township of Mansfield, County of Warren, State of New Jersey, which was seconded by Mr. McGuinness.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: None

ORDINANCE APPROPRIATING \$1,141,000.00 AVAILABLE FROM THE GENERAL CAPITAL RESERVE FUND TO PROVIDE FOR VARIOUS IMPROVEMENTS FOR VARIOUS DEPARTMENTS

BE IT ORDAINED **by the Township of Mansfield, County of Warren, State of New Jersey** as follows:

Section 1. \$1,141,000.00 is available from the Capital Reserve Fund to provide for the following purposes:

<u>Description of Purpose</u>	<u>Amount</u>
Police Vehicle Equipment	\$ 55,000.00
Road Improvements	\$1,046,000.00
Improvements to Municipal Facilities	\$ 30,000.00
Fire Equipment	\$ 10,000.00
TOTAL:	\$1,141,000.00

Section 2. The capital budget of the Township of Mansfield is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

Section 3. This ordinance shall take effect ten days after final publication hereof as provided by N.J.S.A. 40:49-9.

Second Reading

Mr. Hayes made a motion to approve Ordinance Replacing Article IX, Part 3, Land Use Legislation/Design and Performance Standards of the "Revised General Ordinances of the Township of Mansfield", as Amended, and Entitled "Storm Water Management and Flooding", which was seconded by Mrs. Mora Dillon.

Mayor Watters opened the meeting for public comment; seeing none, public portion was closed.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: None

AN ORDINANCE REPLACING ARTICLE IX, PART 3, LAND USE LEGISLATION/DESIGN AND PERFORMANCE STANDARDS OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD, AS AMENDED, AND ENTITLED "STORM WATER MANAGEMENT AND FLOODING"

BE IT ORDAINED by the Township Committee of the Township of Mansfield in the County of Warren, State of New Jersey, as follows:

Section 1. THE TOWNSHIP OF MANSFIELD LAND USE LEGISLATION of the "Revised General Ordinances of the Township of Mansfield, as amended" is hereby further amended by the replacement of **Part 3, Article IX** as follows:

A. All the provisions of this ordinance are hereby adopted in their entirety as a replacement to Part 3, Article IX of the Land Use Legislation, Revised General Ordinances of the Township of Mansfield, entitled **STORM WATER MANAGEMENT AND FLOODING**.

B. After final adoption, the attached Ordinance shall be codified to replace Part 3, Article IX of the Land Use Legislation, Revised General Ordinances of the Township of Mansfield, as amended.

Section 2. Part 3, Article IX of the Land Use Legislation, Revised General Ordinances of the Township of Mansfield, as amended, is hereby replaced in its entirety with the following:

§ 361-63 SCOPE AND PURPOSE.

a. Policy Statement. The United States Environmental Protection Agency (EPA) mandated that all states enact regulations to address the negative impacts of stormwater runoff on the nation's streams and water resources. The State of New Jersey adopted new regulations at the direction of the EPA. Under these state regulations, all municipalities in the state must implement these stormwater regulations through local ordinance(s) by March 2021. This chapter is intended to implement these regulations. The purpose of these regulations is to control stormwater from "major development" "Major development" is defined in this ordinance. Note: "major development" for purposes of this chapter is not identical to the definitions in the Municipal Land Use Law or local zoning ordinances. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

b. Purpose. The purpose of this chapter is to establish minimum stormwater management requirements and controls for major development and to reduce the amount of non-point source pollution

entering surface and groundwaters. This chapter guides new development in a manner that is proactive and minimizes harmful impacts to natural resources. Specifically, this chapter shall:

1. Reduce flood damage to protect public health, life and property;
2. Minimize increased stormwater runoff rates and volumes;
3. Minimize the deterioration of existing structures that would result from increased rates of stormwater runoff;
4. Induce water recharge into the ground wherever suitable infiltration, soil permeability, and favorable geological conditions exist;
5. Prevent an increase in non-point source pollution;
6. Maintain the integrity and stability of stream channels and buffers for their ecological functions, as well as for drainage, the conveyance of floodwater, and other purposes;
7. Control and minimize soil erosion and the transport of sediment;
8. Minimize public safety hazards at any stormwater detention facility constructed pursuant to subdivision or site plan approval;
9. Maintain adequate base-flow and natural flow regimes in all streams and other surface water bodies to protect the aquatic ecosystem;
10. Protect all surface water resources from degradation;
11. Protect groundwater resources from degradation and diminution; and
12. Ensure that any additional 1/4 acre of impervious surface complies with this chapter, as required by Mansfield Township's Tier A NJPDES permit.

c. Applicability.

1. This chapter shall be applicable to all development that meets the definition of major development as defined below.
2. This chapter shall also be applicable to all major developments undertaken by Mansfield Township or any development that does not require subdivision or site plan approval.

d. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued for subdivisions and site plans pursuant to this chapter are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. This chapter shall be construed to assure consistency with the requirements of New Jersey laws and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NJPDES permits and any amendments or revisions thereto or reissuance thereof. This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 361-64 **DEFINITIONS.**

All terms in this section shall be defined in the NJDEP Stormwater Rule (N.J.A.C. 7:8, et seq.). The following additional terms are defined for this chapter only.

MAJOR DEVELOPMENT – Shall mean any individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of conditions 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development”.

§ 361-65 **GENERAL STANDARDS.**

a. Design and Performance Standards for Stormwater Management Measures.

1. Stormwater management measures for major development shall be developed to meet the:

- (a)** Erosion control standards;
- (b)** Groundwater recharge standards;
- (c)** Stormwater runoff quantity standards; and
- (d)** Stormwater runoff quality standards.

2. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

§ 361-66 **STORMWATER MANAGEMENT DESIGN STANDARDS.**

a. Major Developments. All major developments shall have their stormwater management designed in accordance with the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21) and the NJDEP Stormwater Rule (N.J.A.C. 7:8), subchapters 5 and 6. These standards shall apply to all projects, residential and nonresidential as well as projects by the Township, Board of Education and other agencies subject to review by the Township.

b. Variances and Waivers. Variances or waivers from the design and performance standards for stormwater management measures.

1. A municipality may grant a variance from the major development design and performance standards for stormwater management measures set forth in its approved municipal stormwater management plan and stormwater control ordinance(s), provided the municipal plan includes a mitigation plan in accordance with N.J.A.C. 7:8-4.2(c)11 and the following conditions are met:

a. The applicant demonstrates that it is technically impracticable to meet any one or more of the design and performance standards on-site. For the purposes of this analysis, technical impracticability exists only when the design and performance standard cannot be met for engineering, environmental, or safety reasons. A municipality's approval of a variance shall apply to an individual drainage area and design and performance standard and shall not apply to an entire site or project, unless an applicant provides the required analysis for each drainage area within the site and each design and performance standard;

b. The applicant demonstrates that the proposed design achieves the maximum possible compliance with the design and performance standards on-site; and

c. A mitigation project in accordance with the following is implemented.

i. The mitigation project may be selected from the municipal mitigation plan or may be proposed by the applicant, provided it meets the criteria in the municipal mitigation plan.

ii. The mitigation project shall be approved no later than preliminary or final site plan approval of the major development.

iii. The mitigation project shall be located in the same HUC 14 as the area of the major development subject to the variance.

iv. The mitigation project shall be constructed prior to, or concurrently with, the major development.

v. The mitigation project shall comply with the green infrastructure standards at N.J.A.C. 7:8-5.3.

vi. If the variance that resulted in the mitigation project being required is from the green infrastructure standards at N.J.A.C. 7:8-5.3, then the mitigation project must use green infrastructure BMPs in Table 5-1, and/or an alternative stormwater management measure approved in accordance with N.J.A.C. 7:8-5.2(g) that meets the definition of green infrastructure to manage an equivalent or greater area of impervious surface and an equivalent or greater area of motor vehicle surface as the area of the major development subject to the variance. Grass swales and vegetative filter strips may only be used in the mitigation project if the proposed project additionally includes a green infrastructure BMP other than a grass swale or vegetative filter strip. The green infrastructure used in the mitigation project must be sized to manage the water quality design storm, as defined at N.J.A.C. 7:8-5.5(d), at a minimum, and is subject to the applicable contributory drainage area limitation specified at N.J.A.C. 7:8-5.2(g) or 5.3(b),

as applicable.

vii. A variance from the groundwater recharge standards at N.J.A.C. 7:8-5.4 may be granted if one of the following is met:

- 1) The average annual groundwater recharge provided by the mitigation project must equal or exceed the average annual groundwater recharge deficit resulting from granting the variance for the major development; or
- 2) Runoff infiltrated during the two-year storm from the mitigation project must equal or exceed the deficit resulting from granting the variance from the required infiltration of the increase in runoff volume from pre-construction to post-construction from the major development.

viii. A variance from the stormwater runoff quality standards at N.J.A.C. 7:8-5.5 may be granted if the following are met:

- 1) The total drainage area of motor vehicle surface managed by the mitigation project(s) must equal or exceed the drainage area of the area of the major development subject to the variance and must provide sufficient TSS removal to equal or exceed the deficit resulting from granting the variance for the major development; and
- 2) The mitigation project must remove nutrients to the maximum extent feasible in accordance with N.J.A.C. 7:8-5.5(f).

ix. A variance from the stormwater runoff quantity standards at N.J.A.C. 7:8-5.6 may be granted if the following are met:

- 1) The applicant demonstrates, through hydrologic and hydraulic analysis, including the effects of the mitigation project, that the variance will not result in increased flooding damage below each point of discharge of the major development;
- 2) The mitigation project discharges to the same watercourse and is located upstream of the major development subject to the variance; and
- 3) The mitigation project provides peak flow rate attenuation in accordance with N.J.A.C. 7:8-5.6(b)3 for an equivalent or greater area than the area of the major development subject to the variance. For the purposes of this demonstration, equivalent includes both size of the area and percentage of impervious surface and/or motor vehicle surface.

x. The applicant or the entity assuming maintenance responsibility for the associated major development shall be responsible for preventive and corrective maintenance (including replacement) of the mitigation project and shall be identified as such in the maintenance plan established in accordance with N.J.A.C. 7:8-5.8. This responsibility is not transferable to any entity other than a public agency, in which case, a written agreement with that public agency must be submitted to the review agency.

2. Reviewing Agency. All applications subject to the review of the Land Use Board shall be reviewed by the Board concurrently with subdivision or site plan review. Applications not subject to Planning review shall be reviewed by the Borough Engineer.
3. Appeals. The appeal of the determination of the Borough Engineer shall be made in accordance with N.J.S.A. 40:55D-70a.
4. Any approved variance shall be submitted by the municipal review agency to the county review agency and the Department, by way of a written report describing the variance, as well as the required mitigation, within 30 days of the approval.

§ 361-67 **SOURCES FOR TECHNICAL GUIDANCE.**

- a. Technical guidance for stormwater management measures can be found in the documents listed at (a)1 and 2 below, which are available at http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
 1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Table 5-1, Table 5-2, and Table 5-3.
 2. Additional maintenance guidance is available on the Department's website at http://www.nj.gov/dep/stormwater/maintenance_guidance.htm.
- b. Additional technical guidance for stormwater management measures can be obtained from the following:
 1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625; (609) 292-5540;

§ 361-68 **MAINTENANCE AND REPAIR.**

- a. Applicability.
 1. Projects subject to review as in Section **361-63c** of this chapter shall comply with the requirements of Sections **361-68b** and **361-68c**.
- b. General Maintenance.
 1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development subject to review and approval of the Stormwater Coordinator. This plan shall be separate from all other documents and designed for ongoing use by the site owners or operators in performing and documenting maintenance and repair, and by the municipality in ensuring implementation of the maintenance plan. The final maintenance plan shall be updated and provided to the municipality post-construction to include an evaluation based on the specifications of the initial maintenance plan and as-built conditions.
 2. The maintenance plan shall contain specific preventive maintenance tasks and schedules; cost

estimates, including estimated cost of sediment, debris, or trash removal and disposal; safety needs; identification of methods and disposal sites for materials removed during maintenance; maintenance requirements for created wetlands and other ecological systems; safety devices and systems; warranty and operational standards from the manufacturers of any manufactured treatment devices and the name, address, and telephone number of the person or persons responsible for preventive and corrective maintenance (including replacement), using maintenance guidelines for stormwater management measures from, the Municipal Stormwater Management Plan, Municipal Stormwater Pollution Prevention Plan and any relevant regional stormwater management plan. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for continuing maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
4. If the person responsible for maintenance identified under Section **361-68b, 2** above is not a public agency, the maintenance plan and any future revisions based on Section **361-68b, 7** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
6. The person responsible for maintenance identified under Section **361-68b, 2** above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
7. The person responsible for maintenance identified under Section **361-68b, 2** above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed. Such person shall report his findings to the Municipal Clerk annually, by February 1st of the following year.
8. The person responsible for maintenance identified under Section **361-68b, 2** above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections **361-68b,6** and **361-68b,7** above.
9. The requirements of Sections **361-68b,3** and **361-68b,4** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency. In the event that any stormwater control structure is not dedicated to the Township, the developer

shall post a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53, and provide any other maintenance measures as required by the Township, to ensure proper maintenance and functioning of the system. Guidelines are available from NJDEP, see Section **361-67**.

- 10.** In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, or if the annual report is not received by February 1st of the following year, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- c.** Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee, or a sinking fund, in accordance with N.J.S.A. 40:55D-53.
- d.** The maintenance plan shall specifically provide a specific municipal right of access for inspection of measures, and for maintenance if required under Section **361-68b,10**.

Section 2. PENALTIES. Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to the penalties provided for in Section **3-11** of the Township of Mansfield Revised General Ordinances.

Section 3. EFFECTIVE DATE. This chapter shall take effect immediately upon final passage and publication pursuant to law.

Section 4. SEVERABILITY. If the provisions of any section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this chapter.

Section 5. Following its introduction on first reading, the Clerk will refer a copy of this ordinance to the Mansfield Township Land Use Board for review, as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

CONSENT AGENDA

Mr. Farino withdrew from consent agenda item G.

Each of the following resolutions A – F & H were presented before the Township Committee at the August 10, 2022, meeting and have the unanimous approval of all the members of the Township Committee, with the same legal effect as though each was read in its entirety at the

August 10, 2022, meeting and adopted by separate vote.
Motion by Mr. Hayes, second by Mr. McGuinness.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters
Nays: None
Absent: None
Abstain: None

Authorizing Endorsement of Redeemed Municipal Tax Sale Certificate
Block 2711 Lot 25

WHEREAS, by the Township Committee of the Township of Mansfield that the following Tax Sale Certificate, held by the Township, having been paid and satisfied in full pursuant to N.J.S.A. 54:5-59;

NOW THEREFORE BE IT RESOLVED by the Township Committee of Township of Mansfield, County of Warren, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to endorse same for cancellation, affix the Township Seal, and return same to the Tax Collector for delivery to the property owner or legal representative pursuant to N.J.S.A. 54:5-55.

Tax Sale Certificate Number	Block / Lot	Original Certificate Amount
20-00015	2711 / 25	\$ 3,359.33

Redemption Date August 12, 2022

Approving Change Order #1 – South State, Inc
Janes Chapel Road Improvements

WHEREAS, the Township of Mansfield and South State, Inc. have entered into a contract in the amount of \$626,493.50 for the Janes Chapel Road Improvements Project; and

WHEREAS, it has since been determined by the Township Engineer that certain changes to this contract are necessary to perform work as follows:

Non-Contract Work Items

	<u>Additional Cost</u>
Change Order #1	
Hot Mix Asphalt Pavement Repair, 4" Depth: 590 sq yd	\$29,500.00
Hot Mix 19M64 Base Course, 2" thick: 643.13 tons	\$91,967.59
Dense Graded Aggregate Repair, 12" depth: 88.89 sq yds	\$ 3,777.83

Total Net Change Order: \$125,245.42

Percentage Increase: 19.99%

; and

WHEREAS, the original contract amount was \$626,493.50; the amended contract amount based upon Change Order #1, \$751,738.92 which is 19.99% increase from the original contract amount; and,

WHEREAS, in accordance with N.J.A.C. 5:30-11.9, the procedures have been completed; and,

WHEREAS, the Township Engineer has reviewed the change order and recommended to the Township Committee that it modify its agreement with South State, Inc., subject to the certification of funds, as a result of the above-referenced changes of condition which have occurred on the project and as detailed in the Township Engineer’s Memorandum, dated July 11, 2022; and,

WHEREAS, Township Chief Financial Officer has certified the funds available;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Change Order #1 is hereby approved in the contract between the Township of Mansfield and South State, Inc. as follows:

Original Contract	\$626,493.50
Change Order #1	\$125,245.42
New Contract Total:	\$751,738.92
	Increase 19.99%

This Resolution will take effect immediately upon approval and certification of funds.

Appointing Risk Management Consultant for 2022

WHEREAS, Township of Mansfield (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Warren and State of New Jersey, as follows:

1. Township of Mansfield (Local Unit) hereby appoints Skylands Risk Management, Inc. its Risk Management Consultant.
2. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2022 in the form attached hereto.

Authorizing Issuance of Requests for Proposals for
Professional and Consulting Services for Calendar Year 2023

WHEREAS, for the upcoming calendar year 2023, it is necessary for the Township of Mansfield to engage various legal, financial, consulting, appraisal, environmental and engineering professionals; and

WHEREAS, services shall be procured in formal manner in accordance with Local Public Contracts Law N.J.S.A. 40A:11-4.1 et seq., as a fair and open competitive process to assure that each person and/or firm is provided an equal opportunity to submit a proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, and State of New Jersey, that formal requests for proposals for the 2023 calendar year are hereby authorized for the following professional services:

1. Township Attorney
2. Township Engineer
3. Township Auditor
4. Township Bond Counsel
5. Township Conflict Attorney
6. Municipal Prosecutor
7. Municipal Defender
8. Substitute Municipal Prosecutor
9. Substitute Municipal Defender
10. Financial Advisor
11. Special Service In-Rem Foreclosure
12. Tax Appeal Attorney
13. Information Technology Services

BE IT FURTHER RESOLVED, that all of the proposal documents for the aforesaid services shall be prepared and published in accordance with the New Jersey Local Unit Pay-To-Play law N.J.S.A. 19:44A-20.4 et seq., and all said proposals shall be evaluated on the basis of the most advantageous, all factors considered, including, but not limited to: (1) the Respondent demonstrates within their proposal an understanding of scope of services; (2) the experience and qualifications of the Individual(s) identified to provide service for the subject matter to be addressed under contract; (3) the Respondent's overall company history and experience with similar service contracts; (4) Pricing Model.

Approving Shared Services Contract for Municipal Court Services
January 2023-December 2025

WHEREAS, the Township of Mansfield, Warren County, Township of Washington, Township of Oxford, and Borough of Washington, desire to enter into an agreement to provide Shared Court Services; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, in the County of Warren and State of New Jersey, as follows:

1. That the Mayor and the Municipal Clerk are hereby authorized to execute an Interlocal Services Agreement between the Township of Mansfield, Township of Washington, Township of Oxford, and the Borough of Washington, County of Warren, for Shared Court Services for a term to commence on January 1, 2023 and terminate December 31, 2025.

2. A copy of the agreement is on file in the office of the Township Clerk for inspection by the public.

3. This resolution shall take effect immediately.

AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH REALAUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING MUNICIPAL TAX LIEN SALES FOR 2022 PURSUANT TO N.J.S.A. 54:5-19.1

WHEREAS, RealAuction.com has supplied a contract to provide electronic tax sale services to the Township of Mansfield, County of Warren; and

WHEREAS, The Township of Mansfield wishes to participate in an electronic tax sale for 2022 and to award a contract for such services to RealAuction.com as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey that the Tax Collector is hereby authorized to participate in an electronic tax sale.

1. The Mayor is hereby authorized to sign the contract for services with RealAuction.com, which has offices located at 861 SW 78th Avenue, Suite 102, Plantation, Florida 33324.

2. The Mayor and other officers and employees of the Township are hereby authorized to perform whatever tasks may be necessary to effectuate the purposes of this resolution.

Mr. Hayes made a motion to approve consent agenda item G, which was seconded by Mr. McGuinness.

Ayes: Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: Mr. Farino

Authorizing Payment of Municipal Obligations

WHEREAS, the Township Committee of the Township of Mansfield, County of Warren, finds and declares that certain municipal obligations have come due and are now payable; and **WHEREAS**, the Township Committee further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution; **NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mansfield does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Deputy Treasurer, from the following accounts and in the following amounts:

PREPAID LIST	
CURRENT	\$105,732.85
CAPITAL	
TRUST	\$
DOG	\$
RECREATION	
OPEN SPACE	\$
DEV ESCROW	
UNEMPLOYMENT	\$50.64
TAX PREMIUM	
MANDATORY DEV	
OUTSIDE EMPLOY	
TOTAL	\$105,783.49

BILLS LIST	
CURRENT	\$2,024,182.37
CAPITAL	\$2,760.00
TRUST	\$
DOG	\$25.20
RECREATION	\$
OPEN SPACE	\$
DEV ESCROW	\$5,626.55
UNEMPLOYMENT	\$
TAX PREMIUM	\$
MANDATORY DEV	\$
OUTSIDE EMPLOY	\$
GREEN TEAM	\$
TOTAL	\$2,32,594.12

COMMITTEE ANNOUNCEMENTS AND COMMENTS

Mr. Hayes stated Mrs. Orlando instructed the DPW to redo the front of the Municipal Building with red stone. At the previous meeting, a discussion had taken place about installing bollards since the car drove into the building. Mr. Hayes has access to ornamental boulders that can be placed in front of the building instead. Committee discussed having six (6)—three (3) on each side of the front. Mrs. Orlando is going to get estimates to repair the wall where the car hit. Mr. Hayes will get the boulders.

EXECUTIVE SESSION

Mayor Watters announced moving into Executive Session at 7:45 pm.

Mrs. Mora Dillion made a motion to go into Executive Session, which was seconded by Mr. Hayes.

Mr. Lavery stated the Executive Session will include:

- Attorney/client privilege matter dealing with proceedings from a Rice Notice

RETURN FROM EXECUTIVE SESSION

Return from Executive Session at 8:15 pm.

Roll Call: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Mr. Lavery announced the return from Executive Session where they discussed:

- One matter which was the procedure of a Rice Notice for Mr. Branche
- Before entering Executive Session, Committee was given a copy of an affidavit of an email
- A copy of an affidavit from John Simms
- A statement from Travis Branche which was disseminated to the Committee that the Committee reviewed

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mayor Watters asked Mrs. Orlando to state the items regarding Travis Branche.

Mrs. Orlando stated the two (2) allegations being brought against Mr. Branche:

- Friday, July 22, 2022: Mr. Branche left early and did not list it on his time card as unpaid hours
- During the Grievance involving another DPW employee who was disciplined for taking an unauthorized personal day and left. We received an affidavit signed by Mr. Branche stating he authorized the day off so we rescinded the discipline.

Mr. Branche's attorney, William Berman, made a statement on Mr. Branche's behalf regarding the allegations.

Discussion took place between Mr. Berman, Mr. Branche, and Committee Members regarding allegations and Mr. Branche's job performance.

Mr. Farino made a motion for Mr. Branche to resign by midnight tonight or be terminated by midnight, which was seconded by Mr. Hayes.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: None

PUBLIC PORTION

Mayor Watters opened the Public Portion of the meeting for comments.

JoAnn Fascenelli, 70 Schaefer Road, Butler Park, stated that when the Butler Park Fire Department was disbanded, none of the residents were notified which fire company would service them. If a resident wants to make a large donation to the company that is serving the Butler Park area, which would it be? Mr. McGuinness will contact the Mansfield Fire Company to put a notice on their Facebook page that they are the primary response for the Butler Park area.

Mayor Watters asked for further comments from the public; seeing none, the public portion was closed.

EXECUTIVE SESSION

Mayor Watters announced moving into Executive Session at 9:11pm

Mr. Hayes made a motion to go into Executive Session, which was seconded by Mr. McGuinness.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mrs. Orlando stated the Executive Session discussion will include:

- Contractual matter dealing with DPW
- Contractual matter dealing with EMS
- Contractual matter dealing with real estate

RETURN FROM EXECUTIVE SESSION

Return from Executive Session at 9:15 pm.

Roll Call: Mr. Farino, Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Mr. Lavery announced the return from Executive Session at 9:15 pm where they discussed:

- Contractual matter dealing with DPW
- Contractual matter dealing with the EMS counter proposal
- Contractual matter dealing with real estate

No official action was taken. Copies of these minutes will be available at such time the Committee determines there is no longer a harm to the public interest.

Mr. Lavery requested a motion to authorize the release of Certificates of Occupancy for the Meadows that were approved by the DEP.

Mr. McGuinness made a motion to authorize the release of the COs, which was seconded by Mr. Hayes.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: None

Mr. Lavery requested a motion to authorize advertising for a new DPW Supervisor and part timers.

Mrs. Mora Dillon made a motion to authorize advertising for a new DPW Supervisor and part timers, which was seconded by Mr. Hayes.

Ayes: Mr. Farino Mr. Hayes, Mr. McGuinness, Mrs. Mora Dillon, Mayor Watters

Nays: None

Absent: None

Abstain: None

Valley Road – Committee discussed the problem on Valley Road of work being promised by the former DPW Supervisor, Mr. Snyder. Mrs. Mora Dillon will contact our former Clerk about the issue.

Mr. Hayes made a motion to adjourn at 9:15 pm, carried unanimously.

Respectfully submitted,
Illena Raffaele
Deputy Clerk/Registrar